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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado corporation; ORACLE AMERICA, INC., a Delaware corporation; and ORACLE INTERNATIONAL CORPORATION, a California corporation,

**Plaintiffs,**

V.

RIMINI STREET, INC., a Nevada corporation  
and SETH RAVIN, an individual,

### Defendants.

Case No. 2:10-cv-0106-LRH-PAL

**DEFENDANTS RIMINI STREET,  
INC.'S AND SETH RAVIN'S MOTION  
FOR LEAVE TO FILE REPLY IN  
SUPPORT OF THEIR MOTION TO  
EXCLUDE EXPERT TESTIMONY OF  
ELIZABETH A. DEAN**

Trial Date: September 14, 2015

Pursuant to Local Rule 16-3(b), Rimini Street Inc. and Seth Ravin (collectively “Rimini Street”) respectfully request leave to file the attached four page Reply in support of their Motion to Exclude Expert Testimony of Elizabeth A. Dean. In support of this motion, Rimini Street states the following:

The attached Reply is necessary to respond to the arguments raised in Oracle’s Opposition (D.I. 600) and to clarify factual misstatements made by Oracle. While Oracle’s Opposition suggests otherwise, Rimini Street moved to exclude Ms. Dean’s testimony in its *entirety*. Dkt. 563. Although Rimini Street’s motion focused on Oracle’s hypothetical license theory, Oracle’s Opposition abandons this theory and focuses on Ms. Dean’s lost profit theory. Rimini Street, however, has not had the opportunity to contest the arguments raised in Oracle’s Opposition related to Ms. Dean’s lost profit theory, and, therefore, Rimini Street requests leave to file the attached Reply.

As detailed in the Reply, Ms. Dean’s lost profit theory is highly speculative, and Oracle mischaracterizes Rimini Street’s contentions regarding her theory. Oracle’s Opposition further mischaracterizes Rimini Street’s arguments, asserting that Rimini Street is seeking “a ruling that Oracle cannot prove causation, as a matter of law,” and misstates the applicable legal standard that Oracle need not satisfy a “but for” causation test. Each of these contentions by Oracle is incorrect, as set forth in Rimini’s Reply.

Finally, the granting of this motion for leave will not prejudice Oracle. Reply briefs are typically permitted in federal practice, and Rimini Street filed this particular motion well before the deadline provided by the local rules given the substantial flaws in Ms. Dean's various damages theories. Because the Court will benefit from a full set of briefs on these critical issues, Rimini Street respectfully requests that the Court grant this motion leave to file the attached Reply in support of Rimini's Motion to Exclude Expert Testimony of Elizabeth A. Dean.

Pursuant to Local Rule 16.1-3, counsel for Rimini Street has conferred with counsel for Oracle, and Oracle opposes this motion.

DATED: July 9, 2015 SHOOK, HARDY & BACON

By: /s/ Robert H. Reckers  
Robert H. Reckers, Esq.  
Attorney for Defendants  
Rimini Street, Inc. and Seth Ravin

#### CERTIFICATE OF SERVICE

I hereby certify that the foregoing DEFENDANTS RIMINI STREET, INC.'S AND SETH RAVIN'S MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF THEIR MOTION TO EXCLUDE EXPERT TESTIMONY OF ELIZABETH A. DEAN was filed, on July 9, 2015, with the Court's CM/ECF system which will send notice, via email, to all attorneys registered with the CM/ECF system.

/s/ Robert H. Reckers  
Robert H. Reckers, Esq.